

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

11/7/2022

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)4172 GORMAN AVE., ENGLEWOOD, OH, 45322,
INCLUDING ANY CURTILAGE OR OUTBUILDINGS

Case No. 3:22-mj-371

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 922(o)

Offense Description
Unlawful Possession of a Machine Gun

The application is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

REED J COLLIER

Digitally signed by REED J
COLLIER
Date: 2022.11.07 13:52:30
-05'00'

Applicant's signature

SA Reed Collier, HSI

Printed name and title

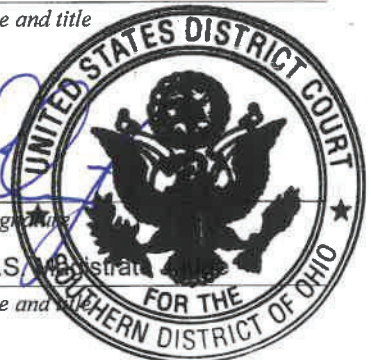
Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).

Date: 11/7/22City and state: Dayton, Ohio

Judge's signature

Peter B. Silvain, Jr., U.S. District Judge

Printed name and title



IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:
4172 GORMAN AVE., ENGLEWOOD, OH,
45322, INCLUDING ANY CURTILAGE OR
OUTBUILDINGS

Case No. 3:22-mj-371

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Reed Collier, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 4172 Gorman Ave., Englewood, OH, 45322 including any curtilage or outbuildings at this location, hereinafter "PREMISES," further described in Attachment A, for the things described in Attachment B.

2. I am a Special Agent (SA) with Homeland Security Investigations (HSI) and have been assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Task Force since January 2022. I have been a SA since January 2018, where I was a SA with the U.S. Secret Service from 2018 until transferring to HSI in August 2020. I have participated in numerous investigations into drug trafficking, illegal use and possession of firearms that were related to murders and felonious assaults, and money laundering. I am aware that individuals involved in the possession of unlawful machine guns nearly always tend to conceal their identities as well as the

locations where they live. I have also participated in numerous interviews of individuals involved in the illegal possession of firearms. I have participated in the investigation of the offenses referred to above and have reviewed HSI reports, and reports prepared by other law enforcement agencies.

3. Since joining HSI, I have been involved in multiple machinegun investigations and investigations involving auto sears or conversion devices. I know, through my training and experience, that individuals will use social media networks, to include Facebook, to illegally traffic firearms. It has also been my experience that individuals prohibited from owning or possessing firearms will utilize social media networks to purchase or sell firearms illegally.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. This affidavit is prepared and submitted in support of an application for an anticipatory search warrant for a residence located at 4172 Gorman Ave., Englewood, Ohio 45322 including any curtilage or outbuildings at this location, which is more fully described in Attachment A, and Attachment A is incorporated herein by reference. There is probable cause to believe that evidence of a crime contraband, fruits of a crime, or other items illegally possessed; property designed for use, intended for use, or used in committing crime – namely 18 U.S.C. § 922(o) Unlawful Possession of a Machine Gun – exists and can be found at the residence located at 4172 Gorman Ave., Englewood, Ohio 45322.

6. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

7. On November 2, 2022, I received information from HSI at the JFK New York Operations Cell regarding the seizure of a package at the JFK International Airport Mail Center in Queens, New York. I was advised that Custom and Border Protection (CBP) screened inbound mail from China and examined a package displaying tracking number 9214490270334844067548 (hereinafter, referred to as PACKAGE). A CBP Officer conducted a border search of the PACKAGE and discovered four (4) Glock auto-sear devices. The package was seized by and taken into the custody of CBP.

The PACKAGE displayed the shipper as:

Chu Ke Han
Tree Lanes in Longgang District
Guangdon Shenzhen, CN 51800

The PACKAGE displayed the recipient as:

Robert Anderson
4172 Gorman Ave.,
Englewood, OH 45322

8. On November 3, 2022, agents conducted a search of 4172 Gorman Ave., Englewood, Ohio 45322 in law enforcement databases. Databases indicated a positive result for Robert ANDERSON at 4172 Gorman Ave., Englewood, Ohio 45322. Additionally, a search of Montgomery County Auditor also indicated the property is owned by Robert E. ANDERSON. Based on this information, there is probable cause to believe that the individual listed on the PACKAGE containing four (4) Glock auto-sears resides at 4172 Gorman Ave., Englewood, Ohio 45322 and knowingly requested that these items be sent to his residence.

9. On November 3, 2022, the PACKAGE was transferred from CBP custody to the custody of HSI. Based on my training experience, I know auto-sears pose serious safety risks to the public and law enforcement. As such, upon receipt of the PACKAGE, agents removed the auto-sears; look alike items were placed in the PACKAGE in anticipation of an attempted delivery of the PACKAGE to 4172 Gorman Ave., Englewood, Ohio.

10. Based on my training and experience, I know that auto-sears are commonly known as conversion devices and are used to convert semi-automatic firearms into fully automatic firearms.¹

11. Though my training and experience, I know that a machinegun is a firearm defined under the National Firearms Act (NFA) at 26 U.S.C. § 5845(a). The NFA definition of a

¹ Semi-automatic firearms fire one round of ammunition with each pull of the trigger. Fully automatic firearms fire two or more rounds with each pull of the trigger.

“machinegun” includes “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” 26 U.S.C. § 5845(b). I know, based on my training and experience and participation in investigations involving the possession of conversion devices, that the NFA’s definition of “machinegun” includes firearm conversion devices such as auto-sears.

12. The Gun Control Act (GCA), 18 U.S.C. § 922(o), prohibits the transfer or possession of a machinegun manufactured after May 19, 1986. At the time of this warrant, ATF is unaware of any machinegun conversion devices, such as auto-sears, that were manufactured before May 19, 1986. The table below depicts a standard Glock firearm, an auto-sear or machinegun conversion device, and a Glock firearm on which an auto-sear is installed.

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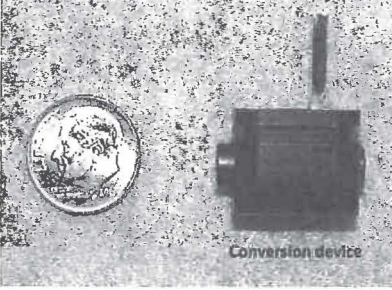

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Unmodified Glock (firearms one round of ammunition with each trigger pull)	Uninstalled Auto- Sear/Conversion Device	Glock with Conversion Device Installed (will allow a firearm to fire more than one round of ammunition with a single trigger pull)
		

13. During the week of November 7, 2022, I will arrange for the PACKAGE to be delivered to 4172 Gorman Ave., Englewood, Ohio, by agents from the United States Postal Inspection Service posing as mail carriers. If either someone exits the residence at 4172 Gorman Ave., Englewood, Ohio and takes possession of the package, or someone arrives at the residence, takes possession of the package, and moves it into the residence at 4172 Gorman Ave., Englewood, Ohio, then there will be probable cause to believe that the residence contains evidence as described above. Accordingly, the search warrant will be executed if, and only if, either someone exits the residence at 4172 Gorman Ave., Englewood, Ohio and takes possession of the package, or someone arrives at the residence, takes possession of the package, and moves it into the residence at 4172 Gorman Ave., Englewood, Ohio.

CONCLUSION

14. I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A and seize the items described in Attachment B.

Respectfully submitted,

REED J
COLLIER

Digitally signed by REED
J COLLIER
Date: 2022.11.07 13:54:00
-05'00'

Reed Collier
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
on November 7, 2022:

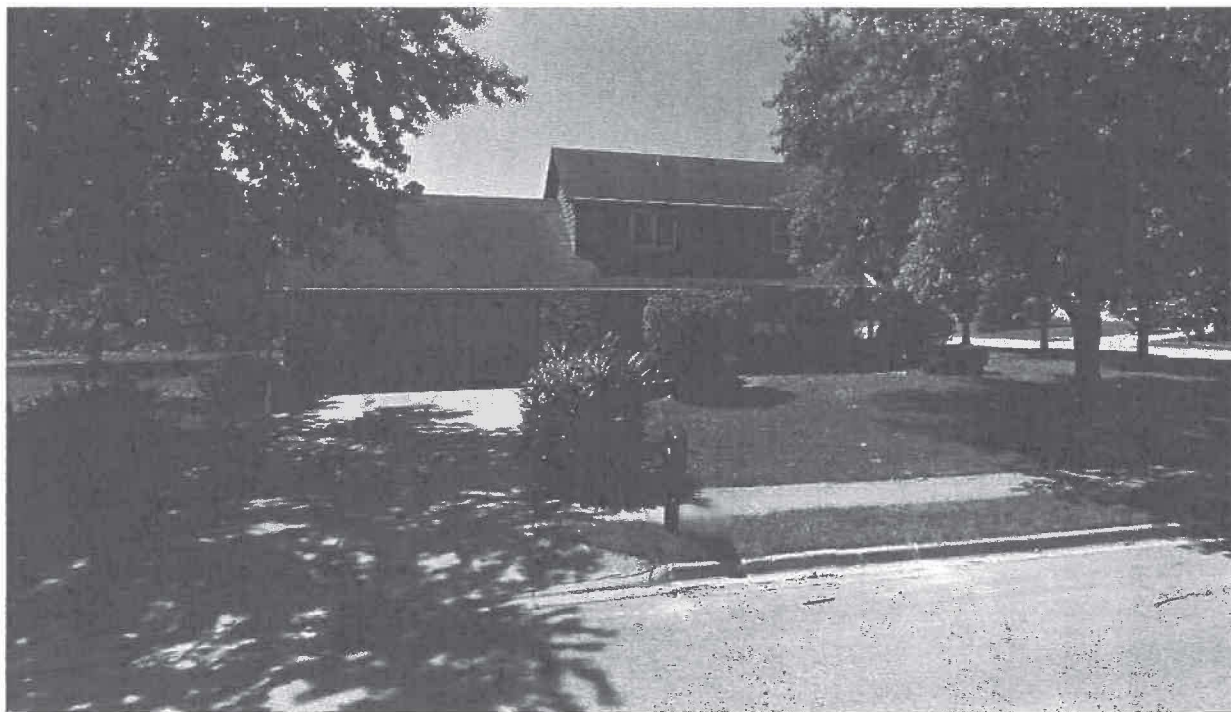
Hon. Peter B. Silvain, Jr.
UNITED STATES MAGISTRATE



ATTACHMENT A

Property to be searched

The property to be searched is 4172 Gorman Ave., Englewood, Ohio 45322, which is more fully described as a single-family dwelling. The building is located on the southeast corner of Gorman Avenue and Stillmore Drive. The building has brown and tan brick covering the bottom half of the exterior wall. The number “4172” is on the mailbox at the end of the driveway. The residence is depicted below:



ATTACHMENT B

Property to be seized

All records relating to violations of 18 U.S.C. § 922(o), those violations involving Robert ANDERSON, including:

- A. Logbooks, records, payment receipts, notes, and/or customer lists, ledgers, and other papers or electronic records relating to the transportation, ordering, purchasing, processing, and distribution of firearms.
- B. Papers, tickets, notices, credit card receipts, travel schedules, travel receipts, passports, and/or records, and other items relating to domestic and foreign travel to obtain and distribute firearms, including, but not limited to airline receipts, vehicle rental receipts, credit card receipts, travel schedules, diaries, hotel receipts, truck logs, travel agency vouchers, notes, records of long-distance telephone calls, e-mail and other correspondence.
- C. Address and/or telephone books and papers reflecting names, e-mail and physical addresses and/or telephone numbers of individuals, partnerships, or corporations involved in firearms and money laundering.
- D. Financial records, financial statements, receipts, statements of accounts and related bank records, money, drafts, letters of credit, money orders and cashier's checks receipts, passbooks, bank checks, escrow documents, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transferring, concealment, and/or expenditure of money.

- E. Electronic equipment such as pagers, computers, electronic organizers, facsimile machines, cellular telephones, caller ID, telephone answering machines, police scanners and two-way radios.
- F. United States currency, precious metals, coins bullion, jewelry, and financial instruments, including, but not limited to stocks and bonds.
- G. Proceeds of firearm trafficking activity or any items used to facilitate firearm trafficking activity, including automobiles.
- H. Photographs and/or photographic albums or video tapes and recordings of houses and other real estate, automobiles, and of other assets, persons, and/or firearms.
- I. Indicia of occupancy, residency, and/or ownership of the premises, and vehicles including, but not limited to utility and telephone bills, canceled envelopes, keys, deeds, tax bills, titles, vehicle registrations and documentation regarding storage units/lockers.
- J. Drill presses and other tools used in the firearm trade, including, but not limited to, fuel filters, packaging material, presses.
- K. Firearms and ammunition.
- L. Any computers, cellular telephones, tablets or electronic devices that may contain the above-described documents or items in electronic format.
- M. Text messages, instant messages and the like that concern or relate to firearm trafficking activity, including, but not limited to, sale prices, quantities, customers, sources of supply, or storage locations.
- N. Records, documents, or items reflecting indicia of occupancy or ownership at a residence.

O. Packages, mailing receipts, mailing labels, or mailing envelopes.

ATTACHMENT C

Upon delivery of the Package, if either someone exits the residence at 4172 Gorman Ave., Englewood, Ohio and takes possession of the package, or someone arrives at the residence, takes possession of the package, and moves it into the residence at 4172 Gorman Ave., Englewood, Ohio, then there will be probable cause to believe that the residence contains evidence as described above.